

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

POLARIS SALES INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 08 CV 1924
)	Judge James Zagel
HSBC BANK NEVADA, N.A.,)	Magistrate Judge Mason
)	
Defendant.)	

MOTION FOR RELIEF FROM JUDGMENT

Pursuant to Federal Rule of Civil Procedure 60(a), Polaris Sales Inc. (“Polaris”) hereby moves that this Court grant it relief from the Judgment dated August 13, 2008. In support of its motion, Polaris states as follows:

1. On May 27, 2008, HSBC filed a motion for summary judgment on its counterclaim. The counterclaim sought a declaration of HSBC’s rights under the Revolving Program Agreement (“Agreement”), the contract at the center of this case. On August 13, 2008, the Court caused the issuance of its Memorandum Opinion and Order (Doc. 41), which sets forth the reasoning behind the Court’s decision to grant HSBC’s motion for summary judgment. That same day, the Court also caused the issuance of the Judgment in a Civil Case (Doc. 42). Neither that judgment, however, nor any other document contains the declaration of the rights of the parties under the Agreement required by Federal Rule of Civil Procedure 58.

2. The Notice of Electronic Filing that transmitted the Judgment in a Civil Case via CM/ECF states that the case is terminated and the matter is closed. Both the Memorandum Opinion and Order and the Judgment in a Civil Case, however, address the defendant’s declaratory counterclaim. They do not expressly rule upon all of the Polaris claims, nor do they

state that the Court was rendering a final judgment and dismissing the action. The action taken by the Clerk of the Court as described in its Notice of Electronic Filing, therefore, goes beyond the express decision of the Court.

3. Rule 60(a) permits the Court to correct errors and omissions found in judgments and orders. Polaris seeks relief under this rule so that it may obtain a declaration of its rights under the Agreement as well as additional guidance regarding whether the judgment of the Court is final.

WHEREFORE, Polaris Sales Inc. respectfully requests that the Court grant its Motion for Relief from Judgment, relieve the parties from said Judgment, reinstate this matter for further proceedings, and grant such other relief as is just and necessary.

Dated: August 27, 2008

Respectfully submitted,

POLARIS SALES INC., Plaintiff

By: /s/ Thomas M. Lynch
One of its Attorneys

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CERTIFICATE OF SERVICE

I, Thomas M. Lynch, an attorney, state that I have caused to be served a copy of the foregoing document to all counsel of record via electronic case filing system (CM/ECF) as indicated below, from 225 West Wacker Drive, Chicago, Illinois, 60606, on this 27th day of August 2008:

Ronald S. Safer - rsafer@schiffhardin.com

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/s/ Thomas M. Lynch